

DETAILED ACTION

Response to Amendment

The reply filed on 22 September, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the amendment fails to reply to every ground of objection and rejection in the prior Office action. In particular, there has been no response to the rejection of claims 3-8 and 10 based on three references nor the rejection of claim 11 based on the previous three references plus a fourth reference. 37 CFR 1.111(b) requires the reply to address every ground of objection and rejection. Applicant has failed to comply with this requirement. Claims 3-8 and 10 have not been argued and this lack of argument raises the question of whether or not there was intentionally no argument because these claims are deemed to stand or fall with claim 1 or because applicant has failed to comply with the requirement of 37 CFR 1.111(b). Further, the distinct ground of rejection for claim 11 has not been argued. In regard to the rejection of claim 11, the statement that claim 11 is patentable for the same reasons as claim 1 without ever distinctly and specifically addressing the actual rejection applied to claim 11 is wholly insufficient. Applicant's remarks on page 9 indicating that the omission of arguments is not to be taken as an indication that these claims stand or fall with one another (as the examiner did the first time applicant failed to argue all rejections) is not justification for not complying with 37 CFR 1.111(b).

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). However, applicant is put on notice that any future occurrence of not arguing the rejections of claims that stand apart from the base claim for patentability purposes will be treated as not being a bona fide reply (meaning no additional time will be given) unless applicant clearly indicates that these claim stand or fall together with the claim being argued.

Conclusion

Any inquiry concerning this communication or earlier communications from the

Art Unit: 3679

examiner should be directed to Nahid Amiri whose telephone number is 571-272- 8113. The examiner can normally be reached Monday through Friday from 8:30AM-6:30PM. The fax phone number for the organization where this application or proceeding is assigned is 571- 273- 8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nahid Amiri
Examiner
Art Unit 3679
December 8, 2006

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679